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APPLICATION NO. FILING DATE		ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/517,268 10/25/2005		Marie-Louise Amanda Baillon	HO-P0310101US0	1608			
26271	7590	06/28/2006		EXAMINER			
		WORSKI, LLP	WARE, DEBORAH K				
1301 MCKI SUITE 5100				ART UNIT	PAPER NUMBER		
HOUSTON	, TX 770	110-3095	1651				

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Application No. Applicant(s)						
		10/517,268		BAILLON ET AL					
	Office Action Summary	Examiner		Art Unit					
		Deborah K. War		1651					
Period fo	The MAILING DATE of this communication or Reply	appears on the cove	r sheet with the c	orrespondence ad	ldress				
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR RECHEVER IS LONGER, FROM THE MAILING asions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. It is period for reply is specified above, the maximum statutory per to reply within the set or extended period for reply will, by state that the provision of the provision o	B DATE OF THIS CO R 1.136(a). In no event, how riod will apply and will expire atute, cause the application to	OMMUNICATION rever, may a reply be time. SIX (6) MONTHS from to become ABANDONE!	I. lely filed the mailing date of this co D (35 U.S.C. § 133).					
Status									
1)⊠	Responsive to communication(s) filed on								
·	· · · · · · · · · · · · · · · · · · ·	· This action is non-fin	al						
<u> </u>	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is								
٠,۵	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Dispositi	on of Claims	,	·						
4)⊠	Claim(s) 1-18 is/are pending in the application	ion							
•	4a) Of the above claim(s) is/are withdrawn from consideration.								
	Claim(s) is/are allowed.								
· · · —	Claim(s) is/are allowed. Claim(s) <u>1-18</u> is/are rejected.								
	Claim(s) is/are rejected. Claim(s) is/are objected to.								
	Claim(s) israte objected to: Claim(s) are subject to restriction and/or election requirement.								
	on Papers								
•	The specification is objected to by the Exam								
10)	The drawing(s) filed on is/are: a) a		-						
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
441	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11)[_]	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority u	ınder 35 U.S.C. § 119								
	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 ✓ Cortified copies of the priority decuments have been received.								
	 Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No. 								
	 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage 								
	application from the International Bureau (PCT Rule 17.2(a)).								
* 8	* See the attached detailed Office action for a list of the certified copies not received.								
Attachmen	t(s)								
1) 🛛 Notic	e of References Cited (PTO-892)	4) 🗆	Interview Summary	(PTO-413)					
2) 🔲 Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	_	Paper No(s)/Mail Da	te	2.450)				
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/ r No(s)/Mail Date <u>12/6/04</u> .	· ,	Other:	atent Application (PTC	J-152)				

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DETAILED ACTION

Claims 1-18 are presented for examination on the merits.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on December 6, 2004, was received and entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

The Preliminary Amendment filed December 6, 2004 has been received and entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Farmer (US 6461607).

Claims are drawn to a probiotic, method of making comprising adding a probiotic microorganism to a composition for use in a method of reduction of gastrointestinal Campylobacter infection.

Farmer teaches a probiotic, method of making comprising adding a probiotic microorganism to a composition for use in a method of reduction of gastrointestinal Campylobacter infection. Note column 13, line 5, column 27, lines 1-65 and column 28, line 42. The microorganism can be Lactobacillus acidophilus.

The claims are identical to the cited disclosure and are therefore considered to be anticipated by the teachings therein.

All claims fail to be patentably distinguishable over the state of the art discussed above and cited on the enclosed PTO-892 and/or PTO-1449. Therefore, the claims are properly rejected.

The remaining references listed on the enclosed PTO-892 and/or PTO-1449 are cited to further show the state of the art.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, gall 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Deborah K. Ware June 24, 2006